


IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

FILED

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CLERK OF DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY  DEPUTY

ROYALTY CLEARINGHOUSE, LTD,
PLAINTIFF,

V.

CTS PROPERTIES, LTD., CTS
MANAGEMENT, LLC, SCOTT Y.
WOOD, AND TANA R. WOOD,
DEFENDANTS.

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CAUSE NO. A-16-CV-1342-LY

ORDER ON REPORT AND RECOMMENDATION

Before the court in the above styled and numbered cause are Defendant Tana R. Wood's Motion to Dismiss (Clerk's Doc. No. 12), Plaintiff's Opposition to Tana R. Wood's Motion to Dismiss (Clerk's Doc. No. 17), Defendant Tana R. Wood's Reply in Support of Motion to Dismiss (Clerk's Doc. No. 22), Defendants CTS Properties, Ltd., CTS Management, LLC, and Scott Y. Wood's Motion to Dismiss (Clerk's Doc. No. 13), Plaintiff's Opposition to the CTS Defendants' Motion to Dismiss (Clerk's Doc. No. 18), and Defendants' Reply in Support of Motion to Dismiss (Clerk's Doc. No. 21). This cause was referred to the United States Magistrate Judge for findings and recommendations. *See* 28 U.S.C. § 636(b); Fed. R. Civ. P. 72; Loc. R. W. D. Tex. Appx. C, R. 1(d). The magistrate judge signed the Report and Recommendation of the United States Magistrate Judge on July 12, 2017 (Clerk's Doc. No. 27), recommending that the court grant Defendant Tana R. Wood's Motion to Dismiss and grant in part and deny in part the CTS Defendants' Motion to Dismiss.

Under Title 28 of the United States Code, Section 636(b) and Rule 72(b) of the Federal Rules of Civil Procedure, a party may serve and file specific, written objections to the proposed findings and recommendations of the magistrate judge within 14 days after being served with a copy of the report and recommendation, and thereby secure a *de novo* review by the district

court. A party's failure to timely file written objections to the proposed findings, conclusions, and recommendation in a report and recommendation bars that party, except upon grounds of plain error, from attacking on appeal the unobjected-to proposed factual findings and legal conclusions accepted by the district court. *See Douglass v. United Services Auto Ass'n*, 79 F.3d 1415 (5th Cir. 1996) (*en banc*). The record reflects that Defendants CTS Properties, Ltd., CTS Management, LLC, and Scott Y. Wood timely filed objections on July 26, 2017 (Clerk's Doc. No. 28).

In light of Defendants' objections, the court has undertaken a *de novo* review of the motions, objections, applicable law, and entire record in the cause. The court is of the opinion that the objections do not raise any issues that were not adequately addressed in the Report and Recommendation. Therefore, finding no error, the court will accept and adopt the Report and Recommendation as filed for substantially the reasons stated therein.

IT IS THEREFORE ORDERED that Defendants' objections to the report and recommendation (Clerk's Doc. No. 28) are **OVERRULED**.

IT IS FURTHER ORDERED that the Report and Recommendation of the United States Magistrate Judge (Clerk's Doc. No. 27) is **ACCEPTED AND ADOPTED**.

IT IS FURTHER ORDERED that Tana R. Wood's Motion to Dismiss (Clerk's Doc. No. 12) is **GRANTED**.

IT IS FURTHER ORDERED that Plaintiff's claim against Defendant Tana R. Wood is **DISMISSED WITHOUT PREJUDICE**.


IT IS FURTHER ORDERED that Defendants' Motion to Dismiss (Clerk's Doc. No. 13) is **GRANTED** with regard to Plaintiff's claim for money had and received against CTS

Properties, Ltd., CTS Management, LLC, and Scott Y. Wood. In all other respects, the motion is **DENIED**.

IT IS FURTHER ORDERED that Plaintiff's claim for money had and received against Defendants CTS Properties, Ltd., CTS Management, LLC, and Scott Y. Wood is **DISMISSED WITHOUT PREJUDICE**.

IT IS FINALLY ORDERED that, pursuant to the agreed proposed scheduling order filed June 15, 2017 (Clerk's Doc. No. 25), Plaintiff may amend its complaint **on or before November 3, 2017**.

SIGNED this 4th day of August, 2017.



LEE YEAKEL
UNITED STATES DISTRICT JUDGE